

REMARKS

The Examiner states that although the current application was filed under 35 U.S.C. §371, the application does not acknowledge the filing of any foreign application. Applicants indeed claim priority to both German Patent Application Serial No. 102 31 095.5 filed July 10, 2002 as well as PCT Application PCT/EP03/07402, filed July 9, 2003. Attached hereto for replacement of the original Declaration is a Declaration identifying and thereby claiming priority to the appropriate priority applications.

The drawings have been objected to for failing to comply with 37 CFR §1.84(p)(5). The Examiner states that reference character "30" is not mentioned in the description.

It is respectfully submitted that no amendment is necessary to either the specification or the drawings as reference character "30" shown in Figure 4 is described in the specification on page 11, third full paragraph, first line. Accordingly, removal of the objection is respectfully requested.

Claim 12 has been objected to for containing reference character "30" not enclosed in parenthesis. In accordance with standard U.S. practice, all reference characters have been removed from the claims, thereby rendering the objection moot.

Claims 3, 10, 11 and 16 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, as there is insufficient antecedent basis for the claim limitations noted in paragraphs 7 through 9. In order to have this rejection removed, the term "the" has been replaced with the letter "a" to properly introduce the claimed subject matter. The claims have also been amended where appropriate to further define the same. No new matter has been added.

Claims 1-8 and 13-18 have been rejected under 35 U.S.C. §102(b) as being anticipated by Vannoy et al. (U.S. Patent No. 5,830,348). The Examiner states that Vannoy anticipates all of Applicants claimed limitations.

It is respectfully submitted that the Vannoy reference cannot anticipate, nor teach or suggest the present invention as claimed. Vannoy discloses a filter cartridge 10 with filter material 22 comprising a lid 38 which has a horizontal portion and an outward curved section which the Examiner considers a "wavy portion". This wavy portion

comprises an inward curved section which ends at a horizontal section which extends horizontally between the wavy portion and the lateral wall. Vannoy cannot anticipate Applicants' claimed limitation in claim 1, wherein the lid bottom merges with the lateral wall in the direction of the peripheral wall along an inward curved section whereby the curved edge section and the lateral wall join in a common wall section.

It is further noted that Vannoy was considered by the EPO as set forth in the attached International Preliminary Examination Report, and the same was considered not relevant. The EPO stated that Vannoy (Document D1) differed from and could not anticipate the subject matter of claim 1, namely, "in that the marginal section and the strip-shaped side wall merge into a common, inwardly tapered wall section", and, therefore, the subject matter of claim 1 was novel.

Claims 1, 7-12, 19 and 20 have been rejected under 35 U.S.C. §102(b) as being anticipated by Covington (U.S. Patent No. 5,301,958).

It is also respectfully submitted that Covington cannot anticipate, nor teach or suggest the subject matter set forth in independent claim 1. Covington discloses a filter unit 8 which includes an outer housing or container 10 which is closed at one end by an integral end wall 12. The other end of the housing is provided with a reinforcing plate 14 and an annular end cover 16, see column 2, lines 32-35. Covington's annular cover 16 is not a lid, but merely a ring that supports plate 14. Plate 14 is provided with a plurality of inlet openings 26 which allow the oil to be filtered to flow into the interior of the filter unit 8, see Figure 3 and column 2, lines 53-56. Accordingly, Covington's ring or annular cover 16 cannot be compared with Applicants' claimed lid.

In any event, Covington's annular cover 16 cannot anticipate Applicants' claimed lid as set forth in independent claim 1, whereby the lid bottom merges with a lateral wall in the direction of the peripheral wall along an inward curved edge section, whereby the curved edge section and the lateral wall join in a common wall section, tapering inwards, in a forming region.

Claims 1 and 15 have been rejected under 35 U.S.C. §102(b) as being anticipated by Holt (U.S. Patent No. 5,690,814).


It is also respectfully submitted that the Holt reference cannot anticipate, nor teach or suggest the present invention as claimed. Holt relates to a spin-on fluid filter

such as for oil or coolant, akin to the Covington reference. As set forth in column 3, lines 46-49, cover plate 14 is preferably a spring steel stamping and has a peripheral trough 62 which receives the radially extending annular flange 60 of the transparent filter container 12. Cover plate 14 of Holt is not fixed to the container wall as lip 72 only contacts flange 60. Retaining lip 72 of the cover plate is pressed against the flange by the force of spring 32. Accordingly, the Holt reference cannot anticipate, nor teach or suggest the claimed lid bottom which merges with the lateral wall in the direction of the peripheral wall along an inward curved section, whereby the curved edge section and the lateral wall join in a common wall section, tapering inwards, in a forming region. Stated differently, Holt teaches only a single folded piece or plate 14 formed about the contour of the filter container and cannot anticipate the claimed lid having a curved edge section and a lateral wall which joins in a common wall section as claimed.

It is respectfully submitted that the claimed invention is in condition for allowance and a notice of such is earnestly solicited. Should the Examiner have any questions or concerns regarding this response, a telephone call to the undersigned would be greatly appreciated in order to expedite allowance of the application.

Respectfully submitted,

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